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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,152	02/29/2000	Tsutomu Shimomura	50588/349	1836

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DIGEO, INC C/O STOEL RIVES LLP  
201 SOUTH MAIN STREET, SUITE 1100  
ONE UTAH CENTER  
SALT LAKE CITY, UT 84111

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/515,152

Applicant(s)

SHIMOMURA ET AL.

Examiner

KIEU-OANH T. BUI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/17/2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed on November 17, 2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. Submitted other documents is required.
2. The information disclosure statement filed November 17, 2005 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

***Claim Rejections - 35 USC 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Dillion (U.S. Patent No. 6,351,467 B1).

Regarding claim 1, Dillion discloses “a multimedia receiver apparatus” (Fig. 2), “said apparatus comprising: a wireless receiver circuit, said wireless receiver demodulating a wireless encoded digital multimedia signal having a plurality of multimedia streams” (Fig. 2 for receiver 26, and receiver 26 can be either a computer or a wireless receiver handles encoded digital streams, col. 16/lines 20-30); “a processor, said processor selecting and extracting a subset of multimedia streams of said plurality of multimedia streams” (col. 16/lines 20-67 for the receiver including components in hardware and software as package receiver 56 for receiving and processing encoded streams from sources); “a long term storage device, said processor caching a subset of information from said subset of multimedia streams into said long term storage device” (refer to col. 22/lines 3-61 for the content viewer 58 can cache the information to a proxy server); and “a computer network interface, said computer network interface for selectively outputting

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information from said subset of multimedia streams” (Fig. 2/item 12 for a browser using TCP/IP protocol as an computer network interface for interfacing and outputting information to other devices or network components (refer to col. 1/lines 18-67 for a brief background on TCP/IP and browser).

As for claim 2, Dillion discloses “wherein said wireless encoded digital multimedia signal comprises a satellite broadcast signal” (col. 4/lines 9-30 for a satellite link).

As for claim 3, Dillion discloses “wherein said wireless encoded digital multimedia signal comprises a terrestrial digital television broadcast signal” (col. 15/line 63 to col. 16/line 15).

As for claim 4, Dillion teaches “wherein each multimedia stream comprises Internet Protocol packets” (col. 1/lines 18-67 for a brief background on TCP/IP, and col. 18/lines 15-60 for package reception).

As for claim 5, Dillion teaches “wherein said wireless encoded digital multimedia signal comprises MPEG-2 transport protocol” (col. 16/lines 7-15).

As for claim 6, Dillion teaches “wherein each multimedia stream comprises Internet Protocol packets encapsulated within said MPEG-2 transport protocol” (claims 4 & 5).

As for claim 7, Dillion discloses “wherein said wireless receiver circuit comprises an ATSC digital television receiver circuit” (col. 16/lines 4-15).

As for claims 8-10, Dillion teaches “wherein said wireless receiver circuit comprises an ATSC digital television receiver circuit”; “wherein said wireless receiver circuit comprises a direct video broad satellite receiver circuit”; and “wherein said wireless receiver circuit comprises a digital cable television receiver circuit” (col. 16/lines 4-30).

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As for claim 11, Dillion further discloses “wherein said processor outputs information from said subset of multimedia streams in a World Wide Web format” (col. 1/line 18 to col. 2/line 37 as the output information is in www format in HTML, URL, TCP/IP formats).

Regarding claim 12, Dillion teaches “a method of generating revenue, said method comprising: distributing a plurality of data broadcast receiver systems, said data broadcast receiver systems comprising receiver circuitry for demodulating and decoding an encoded digital information signal, cache for storing multimedia information from said encoded digital information signal, and interface circuitry for coupling a receiver system to a client system to output said multimedia information to said client system; receiving a broadcast and retention fee from an entity desiring to distribute designated digital information; and broadcasting designated digital information to said data broadcast receiver systems; and caching said designated digital information in said data broadcast receiver systems such that client systems coupled to said data broadcast receiver systems may retrieve said designated digital information” (same as claim 1 above, with a method for generating revenue by billing or charging the users, i.e., subscription for a fee, refer to col. 4/lines 43-59).

As for claims 13 and 14, Dillion teaches “wherein said entity pays a fee related to an amount of time that said designated digital information will be cached in said broadcast receiver systems” and “wherein said entity pays a fee related to an amount of said designated digital information” (refer to usage reporting, col. 24/line 45 to col. 25/line 12, Fig. 11, and col. 27/line 55 to col. 28/line 35 for billing).

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Regarding claim 15, Dillion discloses “a method of distributing data, said method comprising: broadcasting a plurality of popular multimedia streams across a broadcast medium; receiving said plurality of popular multimedia streams in data broadcast receiver system; caching a subset of said popular multimedia streams in a cache in said data broadcast receiver system; coupling said data broadcast receiver system to a wired network; receiving data information from said wired network into said data broadcast receiver system; and presenting a unified data service to a client computer system coupled to said data broadcast receiver system that comprises said subset of said popular multimedia streams cached on said receiver system and said data information retrieved from said wired network” (same as claim 1, with a wired network such as the Internet 14 coupled to the data broadcast receiver 26, see Fig. 2, col. 8/lines 10-30).

As for claim 16, Dillion discloses “wherein said wired network comprises the Internet” (Fig. 2/Internet 14).

As for claim 17, Dillion discloses “wherein said data information from said wired network comprises information from an Internet portal site” (col. 8/lines 31-62 for internet portal site identified by URLs).

As for claim 18, Dillion further discloses “comprising: receiving in data broadcast receiver system a query from said client system; searching said cache for matching multimedia streams that match said query; searching a server system coupled to said wired network for matching data information that matches said query; and presenting a query response from said data broadcast receiver system to said client system that comprises said matching multimedia streams and matching data information” (Fig. 8 and col. 22/lines 18-61 for content matching, and

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col. 23/line 58 to col. 24/line 43 for user query determining whether the user want to connect to the internet for a particular requested content).

As for claim 19, Dillion further discloses "comprising: encrypting each digital information stream" (col. 6/lines 43-58).

Regarding claim 20, Dillion discloses "a data broadcast system, said data broadcast system comprising: an MPEG-2 transport stream based data broadcast control center, said MPEG-2 transport stream based data broadcast control center creating a MPEG-2 transport stream based data broadcast stream; digital cable television based data broadcast receiver for receiving said MPEG2 transport stream in digital cable television markets; and an ATSC terrestrial digital television broadcast based data broadcast receiver for receiving said MPEG-2 transport stream in ATSC terrestrial digital television broadcast markets" (similar to claim 1, with MPEG2 transport stream and ATSC digital TV broadcast market as in col. 15/line 63 to col. 16/line 18).

As for claim 21, Dillion further discloses "comprising: a direct video broadcast satellite based data broadcast receiver for receiving said MPEG2 transport stream in direct video broadcast satellite markets" (MPEG2 in direct DVB satellite video broadcasting addressed, see col. 16/lines 10-18).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Parry et al (US patent 6,378,035 B1) discloses streaming information appliance with buffer read and write synchronization.



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6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**

(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
Sept. 28, 2005